

PS 8
(8/88)

United States District Court
for
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 APR 11 AM 11:48

U. S. A. vs. ESPINOZA, LACEY DESIREE
Register Number: 06065-298

Docket No. 08CR0794L-001
SOUTHERN DISTRICT OF CALIFORNIA

Petition for Action on Conditions of Pretrial Release

FMB

DEPUTY

Comes now Tisha Garcia Pretrial Services Officer presenting an official report upon the conduct of defendant Lacey Desiree Espinoza who was placed under pretrial release supervision by the Honorable Peter C. Lewis sitting in the court at El Centro, on the 4th day of March, 2008, under the following conditions: obey all laws federal, state, and local; make all court appearances; travel is restricted to the state of California; do not enter Mexico; report for supervision to Pretrial Services; not possess any firearm, dangerous weapon, or destructive device; provide a current residence address and phone number and keep it current while the case is pending; submit to treatment, and/or testing as specified by the Pretrial Services Officer for drugs or alcohol; and actively seek and maintain full-time employment, schooling, or a combination of both.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:

ALLEGATION 1: On March 18, 2008, the defendant submitted a urinalysis sample which confirmed positive for methamphetamine and amphetamine.

Condition violated: Not possess or use any controlled substances without a lawful medical prescription.

Grounds for violation: On March 18, 2008, an observed urinalysis sample was obtained from the defendant by U.S. Pretrial Services Officer Assistant (PSOA) Claudia Castro. The sample confirmed positive for amphetamine and methamphetamine. The undersigned has reviewed a copy of the confirmation report, prepared by U.S. Pretrial Services Drug Analysis Technician Mary Sloan, which indicates the urine sample confirmed positive for 2420 ng/mL of amphetamine and 5220 ng/mL of methamphetamine.

ALLEGATION 2: The defendant failed to report as directed to U.S. Pretrial Services on March 26, March 28, April 7, and April 8, 2008.

Condition violated: Report for supervision to Pretrial Services as directed.

Grounds for violation: The defendant resides in Bakersfield, California, and was referred for courtesy supervision to the Eastern District of California Pretrial Services Agency. The defendant was directed to contact their office on March 26, 2008, and she failed to do so. Pretrial Services Officer Dan Stark, in the Eastern District, made contact with the defendant and directed her to report in person to his office on March 28, 2008. The defendant failed to do so. On April 2, 2008, Officer Stark had contact with the defendant and directed her to report in person on April 7, 2008. The defendant failed to report in person but did call Officer Stark and agreed to report in person on April 8, 2008, at 9:00 a.m. Officer Stark reports the defendant failed to report as directed and she did not return his phone call following the missed appointment.

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ALLEGATION 3: The defendant failed to report for drug testing as directed on April 8, 2008.

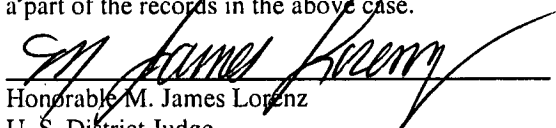
Condition violated: Submit to treatment and/or testing for drugs or alcohol as specified by Pretrial Services.

Grounds for violation: On April 7, 2008, following the defendant's failure to report in person as directed, U.S. Pretrial Services Officer Dan Stark, in the Eastern District, spoke to the defendant and directed her to report in person on April 8, 2008, for her intake appointment and to submit to drug testing. The defendant failed to report on April 8, 2008, as directed by Officer Stark.

PRAYING THAT THE COURT WILL ISSUE A "NO BAIL" WARRANT IN ORDER TO BRING THE DEFENDANT BEFORE THE COURT TO SHOW CAUSE WHY HER BOND SHOULD NOT BE REVOKED.

ORDER OF COURT

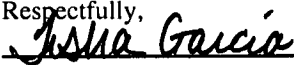
Considered and ordered this 9th day of April, 2008, and ordered filed and made a part of the records in the above case.


Honorable M. James Lorenz
U. S. District Judge

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 4/9/08

Respectfully,


Tisha Garcia, U.S. Pretrial Services Officer
(619) 557-2990 CD

Place San Diego, California

Date April 9, 2008

**United States District Court
Southern District of California**

**Pretrial Services Office
101 West Broadway, Suite 505
San Diego, California 92101**

**Lori A. Garofalo
Chief**

FILED

2008 APR 11 AM 10:09

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY KNH Phone: (619) 557-5738
DEPUTY

April 9, 2008

The Honorable M. James Lorenz
United States District Court
Southern District of California
San Diego, California

RE: Espinoza, Lacey Desiree
Docket: 08CR0794L-001
**Violation Letter/
Warrant Requested**

Dear Judge Lorenz:

The above named defendant, Lacy Desiree Espinoza, was arrested on March 3, 2008, for a violation of Title 21 U.S.C. § 952/960: Importation of Marijuana. At the defendant's initial appearance, on March 4, 2008, Judge Lewis ordered a \$15,000 personal appearance bond co-signed by two financially responsible adults along with the following conditions of release: obey all laws federal, state, and local; make all court appearances; travel is restricted to the state of California; do not enter Mexico; report for supervision to Pretrial Services; not possess any firearm, dangerous weapon, or destructive device; provide a current residence address and phone number and keep it current while the case is pending; submit to treatment, and/or testing as specified by the Pretrial Services Officer for drugs or alcohol; and actively seek and maintain full-time employment, schooling, or a combination of both. The defendant was released from custody on March 10, 2008. The defendant is being represented by Federal Defender Norma Aguilar. She is scheduled to appear, before your Honor, on April 21, 2008, at 2:00 p.m., for motion hearing and trial setting.

This letter is to notify your Honor the defendant has violated her conditions of release in the following manners: (1) The defendant submitted a urine sample on March 18, 2008, which confirmed positive for amphetamine and methamphetamine. (2) The defendant failed to report to the Eastern District of California Pretrial Services Agency as directed on March 26, March 28, April 7, and April 8, 2008. (3) The defendant failed to report for drug testing as directed on April 8, 2008.

The defendant reported to the El Centro Pretrial Services office on March 18, 2008, for her post release intake interview. During the interview the defendant reported a two year history of methamphetamine use and a previous diagnosis of Bi-Polar Disorder. The defendant indicated she had not used methamphetamine recently and she had stopped taking her Bi-Polar medication in 2006.

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On March 18, 2008, an observed urinalysis sample was obtained from the defendant by U.S. Pretrial Services Officer Assistant (PSOA) Claudia Castro. PSOA Castro locked the sample in the designated refrigerator and later that day shipped the sample overnight via Federal Express. The urine sample was received by the U.S. Pretrial Services laboratory the following day and the sample screened positive for illicit drug use (amphetamine and methamphetamine). On March 19, 2008, U.S. Pretrial Services Drug Analysis Technician Mary Sloan conducted a gas chromatography/mass spectrometry (GC/MS) test which confirmed the sample was positive with 2420 ng/mL of amphetamine and 5220 ng/mL of methamphetamine.

On March 24, 2008, the defendant was confronted regarding her positive test and she admitted to using "crystal" (methamphetamine) on March 16, 2008. The defendant was admonished for her violation, she indicated she could remain drug free, and she agreed to attend outpatient drug counseling. The defendant resides in Bakersfield, California, and she was directed to contact Pretrial Services Officer Dan Stark, in the Eastern District of California, on March 26, 2008. The defendant failed to report to Officer Stark on March 26, 2008.

On March 25, 2008, the Honorable Peter C. Lewis was notified of the defendant's violation and he agreed to hold action in abeyance and give the defendant an opportunity to attend drug treatment.

On March 27, 2008, Officer Stark contacted the defendant at her home and directed her to report in person on March 28, 2008. The defendant failed to report in person on that date. Additionally, she failed to return several messages Officer Stark left for her on March 28, 2008, and March 31, 2008.

On April 2, 2008, Pretrial Services Officer Yolanda German made contact with the defendant's attorney Norma Aguilar. Officer German informed Ms. Aguilar of the defendant's failures to report as directed. Ms. Aguilar agreed to try and contact the defendant and to assist in bringing her back into compliance. Later that afternoon, the defendant contacted both Officer German and Officer Stark and she rescheduled her in person office visit, in the Eastern District, for April 7, 2008.

On April 7, 2008, the defendant failed to report in person. She contacted Officer Stark and provided various transportation and financial excuses for not being able to report in person. Officer Stark informed the defendant she needed to report immediately given her non-compliance and positive drug test. The defendant agreed to work out her transportation problems and she was directed to report in person on April 8, 2008, at 9:00 a.m., for intake and to submit to drug testing. The defendant failed to report and failed to return the message left by Officer Stark following her missed appointment.

Pretrial Services is very concerned with the defendant's positive amphetamine/methamphetamine drug test, shortly after her release on bond, and her consistent failure to report as directed. Of additional concern is the defendant's reported two year methamphetamine abuse coupled with her non-medicated Bi-Polar Disorder. Given all of these factors, the defendant is viewed as a risk of non-appearance and a potential danger to herself and the community. Pretrial Services respectfully recommends the Court issue a "no bail" warrant for the defendant's arrest in order to bring her before the Court to show cause why her bond should not be revoked.

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Respectfully submitted,

Tisha Garcia

Tisha Garcia
U.S. Pretrial Services Officer
(619) 557-2990

COURT ACTION DESIRED:

1. ☒ Agree. Issue a "No Bail" bench warrant for the defendant's arrest and bring her before the Court in order to show cause why her bond should not be revoked. (Petition for Action attached).
2. ☐ Refer the matter to U.S. Magistrate Judge Peter C. Lewis for consideration.
3. ☐ Disagree. Schedule an Order to Show Cause Hearing on April 21, 2008, at 2:00 p.m. and Pretrial Services to prepare Petition for Action.
4. ☐ Other:

M. James Lorenz

The Honorable M. James Lorenz
U.S. District Judge

4/9/08

Date